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REMARKS

Applicant has considered the outstanding official action. It is respectfully submitted that all the claims of the application are directed to patentable subject matter as set forth below.

Non-elected claims 1-2, 12-20 and 29-36 have been canceled. Applicants reserve the right to file divisional application(s) directed to the non-elected subject matter.

Applicants are submitting herewith Japanese Patent Publication No. JP 05-170362. This document was mentioned in the International Preliminary Examination Report (IPER), (sheet 1 of the separate sheet attached to the IPER) as being considered but was not cited in the International Search Report (ISR). The IPER and ISR were each earlier submitted May 19, 2005 upon entry into the U.S. National phase. A computer generated translation as obtained from the Japanese Patent Office database is also attached, as well as PTO Form 1449. Acknowledgment of consideration of JP 05-170362 is requested.

The outstanding rejections are as follows:

- (1) Claims 3-4, 6-7, 11, 21-22 and 24-27 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,030,042 (Gelleke);

- (2) Claims 5 and 8 under 35 U.S.C. §103(a) over Gelleke as applied to claims 3-4, 6-7, 11, 21-22 and 24-27 above, and further in view of U.S. Patent No. 3,073,008 (McGraw, Jr.);
- (3) Claims 9 and 23 under 35 U.S.C. §103(a) over Gelleke as applied to claims 3-4, 6-7, 11, 21-22 and 24-27 above, and further in view of U.S. Patent No. 6,056,229 (Blume);
- (4) Claim 10 under 35 U.S.C. §103(a) over Gelleke as applied to claims 3-4, 6-7, 11, 21-22 and 24-27 above, and further in view of U.S. Patent No. 5,769,352 (Biagiotti); and
- (5) Claim 28 under 35 U.S.C. §103(a) over Gelleke as applied to claims 3-4, 6-7, 11, 21-22 and 24-27 above, and further in view of U.S. Patent No. 4,422,588 (Nowisch).

Claims 3 and 21 are the only independent claims.

Claims 3 and 21 are rejected over Gelleke under 35 U.S.C. §102.

Gelleke discloses a rewinding machine of the start-stop type. In such rewinding machines, the web material is fed continuously during winding but feeding is stopped at the end of the winding cycle of each log (see e.g. column 9, lines 57-61). Once winding has stopped, the

finished log is removed from the winding cradle formed by rollers 34 and 28. This is done by lifting arms 62 (see Figure 11). A new core is introduced into the winding cradle such that a span of web material under tension is generated between the core 30 and the finished log 32. The web material is cut by the blade 108 and the roller 176 which has moved downwards (see Figure 12) to pull the web material against the blade 108. This downwards motion also tension the web material of the finished log and pushes the tensioned web material against bristles 106, such that glue is applied thereon.

The machine according to the invention is distinct from that taught in Gelleke. It is a continuous rewinding machine, i.e., a machine where winding is not stopped or interrupted upon completion of a log and severing of the web material as well as applying glue to a web portion forming the tail edge of the log by a glue applicator which is moving integral with a web separator while the web material is moving by a winding element. Claim 3 has been amended to provide that the path of the web material extends between the winding element (and in contact therewith) and the mechanical member while the latter touches the web material to apply glue thereto. Claim 21 has also been amended to provide that the severing and application of glue is by a

mechanical member to the web material when the web material is present between the winding element and the mechanical member.

The limiting features differentiate the claimed apparatus and method over the apparatus and method of the applied art by solving the problem of applying glue to the tail edge of the web while the latter is moving and guided around the winding element, whereas Gelleke requires stopping the web material and moving the blade 108 and the brush 106 into operative positions and requiring moving the roll 176 to push the stationary web material against the blade and the brush in order to cut the web and apply the glue.

There is no teaching or suggestion in Gelleke to change the structure described therein in order to obtain the structure and function as claimed in claims 3 and 21.

New claim 37 further includes a channel defined by the first winding element and a surface. Claim 37 further provides that the severing element and the mechanical element co-act with the first winding element along the channel. This is clearly different from the teaching in Gelleke. A surface defining a channel is known per se from U.S. Patent No. 5,769,352 (Biagiotti) or 6,056,229 (Blume). However, these references cannot be combined in an obvious

manner with Gelleke to obtain the apparatus as claimed. There is no teaching or suggestion to combine these references together. A channel as claimed could not be formed in a machine according to Gelleke, because Gelleke teaches to have a portion of web material freely spanning from the newly introduced core 30 and the just finished log 32. The latter must be moved away from the winding cradle before cutting and a free space is required to be present above and below the web W spanning between the new core 30 and the formed log 32 in order to carry out the described severing and gluing. It would not be possible, therefore, to form a channel by arranging a surface around the winding element 28. There would also not be any need to arrange such a surface and to define such a channel in the device of Gelleke in view of the apparatus and functions thereof described in Gelleke.

New claim 38 further provides for a core feeder to feed winding cores into the channel defined in claim 37. This feature per se is known from Biagiotti or Blume. However, as set forth above, there is no teaching or suggestion to combine Gelleke with either one or the other of these secondary references. All the more so when it is considered that the blade 108 and the brush 106 disclosed by Gelleke are solidly connected to the core inserter 98.

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Thus, cores cannot be introduced into a channel and roll along the channel in a device as taught in Gelleke. There is no room for a channel as claimed and no reason for such a channel combined with the core feeder. There is also no teaching or suggestion in the applied art to make the gluing brush 106 and the cutting blade 108 of Gelleke independent of the core feeder. Rather, Gelleke only teaches to have the three members of the cutter 108, glue brush 106 and core inserter 98 solid one with the other.

Additionally, if Biagiotti were applied as the primary reference when examining claim 38, there would be no suggestion to combine a glue applicator to the web severing means 73 of Biagiotti. Gelleke teaches applying glue to a web material with a brush 106 while also cutting the web material with the cutter 108. However, the arrangement disclosed in Gelleke would not be consistent with the teaching of Biagiotti. Gelleke requires a free space around the web in order to apply glue, cut the web and start winding on the newly introduced core. Moreover, Gelleke requires stopping the web before gluing and cutting can occur. The structure described in Biagiotti is inconsistent with all those constraints to which the device of Gelleke is subject.

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In addition to the above, as to the secondary references, such are only applied as to further limitations present in the dependent claims, and, thus, do not make up for the shortcomings of the primary reference of Gelleke. Accordingly, Gelleke, in combination with any one of the secondary references has the same shortcomings as set forth above.

Therefore, Gelleke does not anticipate the invention as claimed and Gelleke in combination with any one of the secondary references does not render the claimed invention obvious. Withdrawal of the 35 U.S.C. §102 and §103 rejections are respectfully requested.

Reconsideration and allowance of the application is respectfully urged.

Respectfully submitted,

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Attachment - Form 1449 With JP 5-170362 And English
Translation Of JP 5-170362